

Plain City Commission
Minutes of Meeting
April 24, 2025

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, April 24, 2025, also accessible via ZOOM beginning at 7:00p.m.

Present: Chairman Maw
Commissioner Ortega
Commissioner Neil
Commissioner Faulkner
Commissioner Skeen
Commissioner Ableman

Staff: Tammy Folkman, Dan Schuler

Attendees:

Zoom Attendees: Mike Phillips

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Ortega

Moment of Silence/Invocation: Chairman Maw

1. Roll Call: Chairman Maw directed roll call. Commissioners Skeen, Faulkner, Ortega, Neil, Ableman and Chairman Maw were all present.
2. Opening Statement: Chairman Maw
3. Ex Parte: none at this time
4. Public Comments: none at this time
5. Approval of Meeting Minutes for April 10, 2025
Commissioner Ortega motioned to approve meeting minutes for April 10, 2025. Commissioner Faulkner seconded the motion. Commissioners Ortega, Neil, Skeen, Faulkner and Chairman Maw voted aye. The motion carried.
6. Technical Review Report: No report at this time
7. Legislative Items:
Motion: Open Public Hearing for Development Agreement Ordinance
Commissioner Faulkner motioned to open public hearing for Development Agreement Ordinance. Commissioner Skeen seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.
There were no public comments at this time.

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Motion: Close Public Hearing for Development Agreement Ordinance

Commissioner Skeen motioned to close public hearing for Development Agreement Ordinance. Commissioner Ortega seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

Discussion/Motion: Development Agreement Ordinance

Chairman Maw mentioned Jacob making changes on the development agreement, he wanted to know what everyone thought. Commissioner Faulkner thought 10 years was good for a development agreement with reviews. It says in the ordinance that it will terminate no later than 10 years. Chairman Maw talked about a 5 year review he mentioned he didn't see any verbiage on this. In Jacob's email he suggested using a milestone system. He stated we could look at it per phase. Commissioner Skeen mentioned it would be on going. Tammy read from Jacob's email, *The city will be able to monitor the development and sign off on each phase.* Commissioner Faulkner indicated it's in the email and she believes Jacob is asking for feedback she doesn't think it is clear in the ordinance right now. Dan talked about having private roads and one of the HOA's we have already feels like the agreement expires in 10 years and the road becomes city property. Dan indicated he didn't think it would become City property. He is wondering when would the agreement start. Commissioner Faulkner mentioned private roads might be something that should go in our ordinance and maybe not for the review in the development agreement. Dan does like having everything come in for review. Commissioner Faulkner asked could it be a review or be done by phases. Commissioner Skeen mentioned milestones could be when an amenity could be done in phase 1. When they come to apply for phase 2, we could make sure the amenity in phase 1 has been done before we let them go on to phase 2. Commissioner Faulkner mentioned maybe it could be that you would need a percentage of buildout before moving to phase 2. Commissioner Albeman stated there is no use in starting phase 2 when you only have 5 homes built in phase 1. Commissioner Faulkner was wondering if our ordinance could say to the effect, along the way in an agreement, we may require certain milestones including but not limited to private roads, amenities and percentage of buildout or something like that. This could be specific to the agreement and not necessarily to the ordinance. In the ordinance we could say the city may choose to have milestones throughout the 10-year period but not list what those things are because each development will be different. Chairman Maw was thinking about maybe making a new paragraph after 11-9-4 (E) adding a paragraph (F). Commissioner Faulkner is wondering if we should make it required that they do amenities in phase 2. Commissioner Ableman is wondering if we could have in the development agreement phases that are agreed upon by both the developer and the city to where the city could say no phase can be developed before the previous phase is finished and signed off on. Commissioner Faulkner is wondering if everyone will have everything drawn out in the beginning. She stressed amenities need to be done in phase 2 so it doesn't get pushed to future phases. Commissioner Ortega thinks we need to require them to do some of the amenities in the first phase so they don't get abandoned. Commissioner Faulkner is wondering if we put in our ordinance the city will have final say when the amenities will be included in each phase. Commissioner Ortega is wanting clarification on what was meant by a percentage of buildout. Commissioner Ableman explained sometimes the developer sells lots to other builders and if there are no houses on them then before they moved on to phase 2 a percentage of those homes would need to be built and occupied. Commissioner Faulkner is thinking we could use this as a milestone she wouldn't necessarily put a specific percentage but know it might be included as a milestone in the actual agreement. Chairman Maw wants to add two more paragraphs (F)-Milestones and (G)-Amenities

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There was talk about if the owner of a business passes away. Commissioner Faulkner wanted to know if we could say if it changes ownership the development agreement would be void. They would like the development agreement to stop when it is transferred to a new owner and the new owner would need to come in and get a new development agreement. Everyone agreed they would like Jacob and maybe our attorney to look over this part to make sure it is legal. Commissioner Ableman had a question about taking land out of greenbelt when building, when do you take it out and who determines this. Commissioner Skeen mentioned they would need to get it rezoned to what it will be. Commissioner Ableman said that wouldn't matter you can still have property in green belt if it is 5 acres even though it has been rezoned. Commissioner Neil felt like this would be something the county would have to look at. Commissioner Faulkner wondered if it really mattered. Commissioner Ortega mentioned we can only go by what our future land use says.

Commissioner Faulkner motioned to table Development Agreement Ordinance. Commissioner Neil seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

Motion: Open Public Hearing for Building Regulations Ordinance

Commissioner Ortega motioned to open public hearing for Building Regulations Ordinance. Commissioner Faulkner seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

There were no public comments at this time.

Motion: Close Public Hearing for Building Regulations Ordinance

Commissioner Faulkner motioned to close public hearing for Building Regulations Ordinance. Commissioner Ortega seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

Discussion/Motion: Building Regulations Ordinance

Commissioner Faulkner likes *the water run off should be contained* she said it is tricky if someone moves in on a vacant lot and it hasn't been sloped. Chairman Maw thought it should be up to the person to take care of that. Commissioner Albeman mentioned having the development itself matching the elevation of surrounding property it might not be included in the development and if you have a development that is 30 lots, top yard grade must not be no higher than 16 inches of top back of curb or something similar. Commissioner Faulkner asked if this would make it so the builder would need to bring in enough dirt to make this work. She feels like how the ordinance is worded it addressing the lot that is high not the lot that is low. Commissioner Ableman mentioned a situation he had and he said this ordinance would not take care of the situation he mentioned. Commissioner Faulkner feels like the ones that are coming in low this doesn't address them, just the ones that are high. Commissioner Ableman stated they need to respect the slope. Everyone agreed 9-1-6 Lot Grading and Drainage Requirements was good for what it pertained to, there was one thing they did not like the word generally, *lot elevation generally matches*. They suggested taking it out changing it to *should* or *will*. Dan wanted to make sure 9-1-3 (A)1,2 is still in red, the copy we have is not in red. Dan wants to make sure the subdivision ordinance says the same thing as 9-1-3 in building regulations.

Commissioner Ortega motioned to table Building Regulations Ordinance. Commissioner Skeen seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

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Discussion: Detached Accessory Dwelling Units (Chapter 21)

Chairman Maw mentioned this is to open discussion about adding agriculture zones to this ordinance. Commissioner Skeen indicated we have a minimum lot size but not a maximum. Commissioner Faulkner would like to just leave this alone for now. Commissioner Ortega would like to list the exact zones we want it included in but he is open to discussion. Commissioner Faulkner doesn't think we should change Chapter 21 but update the permitted uses in the ordinance in A-1 and A-2 zones. Commissioner Ortega indicated it is his opinion that DADU's should be in certain residential zones only and not in agriculture zones. Chairman Maw and Commissioner Faulkner are okay with having a DADU in an agriculture zone. Commissioner Neil brought up that you may have separate parcel numbers so could you have one on each parcel? Commissioner Skeen mentioned it does spell out you can only have one DADU on a property associated with a single-family dwelling. Commissioner Faulkner mentioned city council wanted planning to address how long does a person have to live in the DADU before they start the primary dwelling. Commissioner Skeen indicated it is against our ordinance to build a DADU first. He stated a lot of people want to build the DADU first so they can live in it while they are building their main dwelling. He is wondering if we allow the ordinance to accommodate this. He is wondering what will happen if they don't finish the main building in the time allotted how would you enforce this. There was discussion on whether the accessory if built first could be your primary residence until you built the primary and then change the first building built to the accessory dwelling if it meets all requirements to be a DADU. Commissioner Faulkner is wondering if we could say only one DADU per primary residents. She is wondering if this will fix the problem in A-1, A-2. Commissioners decided to leave the ordinance as is. Chairman Maw would like to have a discussion about the A-1, A-2 zoned permitted uses at our next meeting.

Discussion: Internal Accessory Dwelling Units (Chapter 22)

Chairman Maw indicated this ordinance says you can have this ordinance in both residential and agriculture zones. Commissioner Ortega is okay with this, but he is not okay with adding an DADU in agriculture. He thinks they need to rezone. Commissioner Neil is wondering if we need to go back to the permitted uses. Chairman Maw pulled up the permitted use code and it said, *Accessory building or use customarily incidental to any permitted use*. Commissioner Neil mentioned the intent for this is for hay and agriculture machinery. Chairman Maw feels we need to clarify this in the ordinance.

Discussion: Public Ways and Property 7-1-5 Discharge of Water

Dan mentioned he has three different choices to choose from for this ordinance. Commissioner Faulkner likes what is written but how does it protect the person who built a taller lot and was there first. Commissioner Ableman indicated it would need to be intentionally or reckless. Everyone agreed they like this one for the ordinance. *C. It shall be unlawful to knowingly, intentionally or recklessly: Release or direct the flow of any water into any conveyance facilities or onto any neighboring property, without the legal right to do so.*

Commissioner Faulkner motioned to set a public hearing May 8, 2025 for Public Ways and Property 7-1-5 Discharge of Water. Commissioner Neil seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

8. Administrative Items: none at this time.

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9. Report from City Council: Commissioner Faulkner

Commissioner Faulkner mentioned at City council Brian Masters and Jarod Maw gave a presentation about the Recreation/Amphitheater. She stated it looked great she had one comment that the offices should be closer to the parking lot. She stated Dan had to fill out MWPP waste water survey he sent it to the state it was approved.

10. Commission Comments:

Commissioner Neil mentioned having a discussion with Mitch Hunt about the North ditch and piping. Mitch indicated there were repairs that were needed. Commissioner Neil stated this would affect Homestead Acres. Chairman Maw showed the layout for the recreation center. There would be a small outdoor amphitheater, office/storage building with classrooms and exercise room another building would be the field house. The last building would be three full size basketball courts, all this can be done in phases depending on the funding. Commissioner Ableman mentioned our recreation is second to none we have a lot of outside residents wanting their kids to play in Plain City. Commissioner Faulkner stated Colette goes over and above than what is expected.

11. Adjournment

Commissioner Ortega moved to adjourn the meeting at 8:55pm. Commissioner Skeen seconded the motion. Vote: Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. Motion carried.

City Council Meeting: May 1- Commissioner Ableman

2025

<u>MAW</u>	<u>NEIL</u>	<u>ABLEMAN</u>	<u>ORTEGA</u>	<u>SKEEN</u>	<u>FAULKNER</u>
JAN 2	JAN 16 Ortega	FEB 6	FEB 20	MAR 6	MAR 20
APR 3	APR 17 Faulkner	MAY 1	MAY 15	JUN 5	JUN 19
JUL 3	JUL 17	AUG 7	AUG 21	SEP 4	SEP 18
OCT 2	OCT 16	NOV 6	NOV 20	DEC 4	DEC 18

If you are unable to attend on your assigned night, please make sure someone goes in your place

Planning Commission Chair

Planning Commission Secretary